

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GENERAL INSURANCE COMPANY OF
AMERICA.

Plaintiff,

v.
RITA IRENE NUNEZ, MELCHOR
TATIA, ISAAC QUIROZ, PAUL LOPEZ,
VERONICA LOPEZ, and DOES 1 to 10.,

Defendants.

No. 1:21-cv-00150-JLT-BAM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

(Docs. 27, 36)

General Insurance Company of America filed this action against Rita Irene Nunez, Melchor Tatia, Isaac Quiroz, Paul Lopez, and Veronica Lopez. (Doc. 1.) Plaintiff issued a homeowner's insurance policy to Nunez, who resides with her husband, Tatia, and her son, Quiroz (collectively "the Insured Defendants"). (*See id.* ¶ 11.) The remaining Defendants, Paul and Veronica Lopez, have asserted liability claims against Defendants Nunez, Tatia, and Quiroz on the basis that, on May 29, 2020, Quiroz supplied a controlled substance, fentanyl, to Paul and Veronica Lopez's son ("Decedent"), resulting in his death (the "Underlying Claim"). (*See id.* at ¶ 17.)

On November 16, 2021, Plaintiff filed two motions for default judgment: (1) against the Insured Defendants (Doc. 26), and (2) against Paul and Veronica Lopez. (Doc. 27.) The motion for default judgment against the Insured Defendants was granted in part, with the Court entering

1 default judgment against the Insured Defendants as follows:

- 2 a. The Court **DECLARES** that Plaintiff has no duty, and never had a duty, to
3 defend the Insured Defendants against the underlying third-party liability
claims,
- 4 b. The Court **FURTHER DECLARES** that Plaintiff has no duty, and never had
5 a duty, to indemnify the Insured Defendants in the underlying claim.

6 (Doc. 35 at 3.)

7 On June 16, 2022, the assigned magistrate judge issued findings and recommendations
8 regarding Plaintiff's motion for default judgment against Paul and Veronica Lopez. The
9 magistrate judge recommended that the motion for default judgment be granted. (Doc. 36.)
10 Those findings and recommendations were served on the parties and contained notice that any
11 objections thereto were to be filed within fourteen (14) days after service. (*Id.*) No objections
12 have been filed, and the time in which to do so has passed.

13 According to 28 U.S.C. § 636 (b)(1)(c), this Court has conducted a *de novo* review of the
14 case. Having carefully reviewed the entire file, the Court finds that the findings and
15 recommendations are supported by the record and proper analysis. Thus,

- 16 1. The findings and recommendations issued on June 16, 2022 (Doc. 36) are
17 **ADOPTED IN FULL.**
- 18 2. Plaintiff's motion for default judgment against Defendants Paul Lopez and
19 Veronica Lopez (Doc. 27) is **GRANTED**.
- 20 3. Default judgment shall be entered in favor of Plaintiff and against Defendants Paul
21 Lopez and Veronica Lopez as follows:
- 22 a. The Court **DECLARES** that Plaintiff has no duty, and never had a duty, to
23 defend the Insured Defendants, against the underlying third-party liability
24 claims, brought against them by Paul and Veronica Lopez, or any litigation
25 brought against the Insured Defendants arising out of, related to, or in any way
26 connected with, the liability claim for Decedent's death;
- 27 b. The Court **FURTHER DECLARES** that Plaintiff has no duty, and never had
28 a duty, to indemnify the Insured Defendants in the underlying claim by Paul

1 Lopez and Veronica Lopez.

2 4. The Clerk of Court is directed to **CLOSE THIS CASE.**

3 IT IS SO ORDERED.

4 Dated: July 11, 2022


5 Jennifer L. Thurston
6 UNITED STATES DISTRICT JUDGE

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